

TEHAMA COUNTY FLOOD CONTROL
MINUTES OF OCTOBER 24, 2000

Present: Chairman George Russell, Directors': Charles Willard, Bill Borrer, Ross Turner and Barbara McIver (8:37 A.M.). Also present: Ernie Ohlin, Water Resources Manager, Gary Plunkett, Director of Public Works, Roger Sherrill, Chairman of AB 3030 TAC Committee, Michael Jackson, Attorney for RCRC.

1. CALL TO ORDER: 8:30 A.M.
2. APPROVAL OF SEPTEMBER 26, 2000 MINUTES: Motion by Director Turner and second by Director Borrer to approve the minutes as presented. Carried 4-0 with 1 absent.
3. PUBLIC COMMENT: Chuck DeJournette briefly discussed biological opinions threaten property rights article written by Sue Sutton from Family Water Alliance.
4. CLAIMS: Motion by Director Turner and second by Director Willard to approve the claims as presented. Carried 4-0 with 1 absent.
5. REIMBURSEMENT OF PROPERTY OWNER 1995 STORMS: Ernie Ohlin, Water Resources Manager, announced receiving the final payment from FEMA for the 1995 storm damages. Motion by Director Turner and second by Director Borrer to approve the payment to Corrie C. Leisen (\$3,070) for work performed on Elder Creek upstream of the Rawson Road Bridge during the storms. Carried 4-0 with 1 absent.

Director McIver entered.

6. REGIONAL COUNCIL OF RURAL COUNTIES (RCRC) LAWSUIT AGAINST CALFED: Director Borrer presented questions to Michael Jackson, Attorney for RCRC and Val Justice, Director of the Water Program for RCRC.

1. What are the specific details of the legal remedies requested in the filing?

Jackson answered by reading Page 19, No. 68: (a) Respondents failed to comply with the California Environmental Quality Act; (b) Funds and credits of the State of California have been committed without authorization by the California Legislature; (c) Commitment of funds and credit of the State of California constitute a gift prohibited by Article 16, Section 6 of the California Constitution; (d) Agreement and obligations shift the costs for preservation of fish and wildlife from the contractors of state water project water to the general taxpayers with no reduction guaranty in water deliveries; (e) creating a priority for exports thereby administratively reversing the legislative mandate of priority for the "areas of origin"; (f) Violates Article 10, Section 2 of the California Constitution...etc.

2. The press reports indicated that RCRC believes the Calfed ROD is a threat to Northern California groundwater. What are the specific concerns?

Mr. Jackson answered: The specific concerns are caused by the transfer program. The transfer program will have water transferred for money from irrigation districts in the north. The amount of money to be made on the reselling of the peoples water is substantial. That money, in our mind, should go back to funding the state water project system.

Director Borrer restated the question. Mr. Jackson answered; Groundwater substitution.

Director Borrer questioned: If it was RCRC's belief that the language that was put in the ROD, regarding groundwater protection for Northern California, would not protect us? Mr. Jackson answered he did not believe

it would.

Mr. Jackson added that what RCRC wants to make sure of is that those of us outside the irrigation districts, pumping groundwater and not receiving surface water, do not have their groundwater disappear as a result of someone else voluntarily giving up their contract rights on surface water and then pumping more groundwater. It seems to RCRC that this is double-dipping and Supervisor's need to be involved in this.

3. What is RCRC's objective in filing?

To set aside the ROD and the environmental documents and have both reworked to meet the law. What positive outcome does RCRC anticipate as a result of this action? Mr. Jackson answered: If we bring back BDAC and the folks that are trying to reach consensus, put in the extra 6 to 8 months necessary to finish this project, then we will be better off spending the extra time up front then trying to fix this in the next 30 years.

4. Various entities in Tehama County have received Calfed funding and hope to receive funding in the future. Does this suit put the availability of future funding at some risk since Tehama County is a member of RCRC?

Mr. Jackson answered: I don't think it puts you at risk any more than for anyone else. As of now, neither the state government or the federal government have put any appropriated funds into the project for this year. There is some risk, but not specific to Tehama County. If we do set aside the environmental document, there is some risk also that legislature will not put money into the program, but that is the only way I could see risk.

5. Is the filing of this action consistent with the Calfed policies adopted by the Tehama County Board of Supervisors in August of 2000?

Mr. Jackson answered that he was not the person to ask and perhaps Director Willard would be more appropriate to address that issue.

6. What actions were taken to receive concurrence from RCRC member County Board of Supervisors?

Mr. Jackson answered that RCRC is a Corporation and the Board of Directors are the RCRC representatives of the 28 Counties. RCRC does not claim to interfere in counties individual matters. The RCRC Board of Directors is the party who authorized the suit. Mr. Willard is someone who can and does guide me along with members of the water leadership of RCRC. The steps taken to receive concurrence, basically I think, would be better directed to the RCRC representative than me.

Director Turner asked again, with regard to question No. 5, if Mr. Jackson was familiar with the adopted Tehama County policy?

Mr. Jackson was not familiar with the policy.

Ernie Ohlin questioned Val Justice, when RCRC filed this law suit, did that imply if all member counties were in support? Did RCRC intend on asking the member counties Board of Supervisors to take a position on the suit?

Ms. Justice answered: There are no member counties named in the suit or that took independent action to support the suit. RCRC was not now going to present the issue to each member county for support or vote.

Director Russell stated that the Board elected delegate should be the one to bring back information on issues for the Board to discuss and possibly take a position on.

Ernie Ohlin asked that with issues surrounding scientific proof in the document, did RCRC receive scientific analysis from any source regarding the opinions.

Mr. Jackson answered that John Mills had been working on the Calfed program since the beginning. Mr. Jackson reviewed the environmental draft document and estuary project document and has been involved in the water rights hearings in the Delta. RCRC has not hired individual scientists to give information.

The Board thanked Mr. Jackson and Ms. Justice for appearing to discuss the issue.

7. SACRAMENTO RIVERBANK EROSION AT 3rd AVENUE AND MOLLER AVENUE - CAPAY AREA: Ernie Ohlin informed the Board of his meeting with local property owners to discuss the ongoing erosion at Sacramento River Mile 207. Also attending were representatives from the Corps of Engineers, Fish & Game, Glenn Colusa Irrigation District and the Sacramento River Conservation Area. Staff will gather agency representatives, who offer Conservation Easements, to give presentations to the land owners.
8. WOODSON BRIDGE EROSION AREA -REQUEST FOR CONGRESSIONAL SUPPORT: Ernie Ohlin request approval of correspondence to Congressman Doug Ose to include the Woodson Bridge erosion area as Corps of Engineers Sacramento/San Joaquin River Comprehensive Study Early Implementation Project. Motion by Director Borror and second by Director Turner. Carried 5-0 with 0 absent.
9. AB3030 TECHNICAL ADVISORY COMMITTEE: Roger Sherrill, Chairman of the TAC updated the Board on the last meeting of the Committee.
 1. Finance Committee will continue to seek funding
 2. Staff is working on the format for next year goals

Director Willard mentioned that Thompson's Bill AB303 passed and funds may be available.

Ernie Ohlin stated he was already in contact with DWR who is writing the application process

10. CALFED UPDATE: Ernie Ohlin noted that no additional funding for this year was available for Calfed.

Ron Warner, Mayor of Tehama, noted that Congressman Wally Hager was trying to find funds for Calfed.

Roger Sherrill discussed the representation with RCRC. With the news articles stating that RCRC represents 28 counties, meaning all counties agreed. Roger Sherrill stated that not everyone in Tehama County may agree with RCRC on the issues. Tehama County is somewhat being incorporated by the fact of association.

11. With no further business, the meeting adjourned at 9:43 a.m.